

## WRIT OF MANDAMUS

THIS WRIT OF MANDAMUS IS TO HAVE THIS COURT AND OR MAGISTRATE JUDGE TO COMPEL THE COURT OF CRIMINAL APPEALS OF TEXAS TO REIND ITS DECISION ON MY WRIT OF MANDAMUS WHICH THE COURT OF CRIMINAL APPEAL OF TEXAS DENIED WITHOUT WRITTEN ORDE WR-85,151-12 9-25-2024 TO COMPEL THE 13TH COURT OF APPEALS CORPUS CHRISTI TEXAS TO GIVE ME SOME KDD OF ANSWER ON MY ERROR APPEAL TO WHICH THAT COURT HAS HAD SINCE JULY 2024 1ST ONE SENT 2ND ONE SENT ON 7-29-24 CERTIFIED MAIL, ALSO HAVE ASKED THE 13TH COURT OF APPEALS FOR A CASE NO. COPY OF MY APPEAL ERROR IS ENCLOSED WITH LEGAL CITATIONS.

NOW BECAUSE I HAVE TO ASK THIS COURT AND OR MAGISTRATE JUDGE FOR HELP BECAUSE I HAVE NO PLACE TO GO. I HAVE MY LIBERTY AT STAKE, RESTRAINT & CONFINEMENT CONSTITUTES SUFFICIENT RESTRAINT OF LIBERTY

IN RE DEBA PRAYS THAT THIS WRIT WILL BE GRANTED

RESPECTIVELY SUBMITTED  
Raymond Deba pro se

RAYMOND DEBA  
1560023 TERRELL UNIT  
1300 FM 655  
ROSHARON TX 77583

United States Courts  
Southern District of Texas  
FILED

NOV 04 2024

Nathan Ochsner, Clerk of Court

## APPEAL

### ERROR PLAIN - FUNDAMENTAL

THIS APPEAL IS ON ERROR PLAIN - FUNDAMENTAL AND VIOLATION UNITED STATES CONSTITUTION - INEFFECTIVE ASSISTANCE OF COUNSEL, COUNSEL JERRY L. CLARK, MISCONDUCT BY D.A. ROBERT C. LASMAN BOTH FAILED TO PROPERLY INVESTIGATE THE ENHANCEMENT PENAL CODE USED. THE ENHANCEMENT PENAL CODE USED: SEXUAL ASSAULT OF A CHILD, JULY 11 2005 NO. 2005 CR 0916, 227TH DISTRICT COURT BELL COUNTY TX. LEGAL RECORDS WILL SHOW, IE INDICTMENT 2005CR0916 SEXUAL ASSAULT. IE TRIAL TRANSCRIPT, I PLEAD ONLY TO SEXUAL ASSAULT. ERROR, PLAIN - FUNDAMENTAL. LEGAL TERMS DNE ANY THE SAME. TEX. EVID. R. 103

RULE 103 RULING ON EXHIBIT - (P) TAKING NOTICE OF FUNDAMENTAL ERROR IN CRIMINAL CASES

IN CRIMINAL CASES A COURT MAY TAKE NOTICE OF A FUNDAMENTAL ERROR AFFECTING A SUBSTANTIAL RIGHT, EVEN IF THE CLAIM OF ERROR WAS NOT PROPERLY PRESENTED.

BLACK'S LAW DICTIONARY 11TH EDITION DEFINES - AN ERROR THAT IS SO OBVIOUS AND PREJUDICIAL THAT AN APPELLATE COURT SHOULD ADDRESS IT. DESPITE THE PARTIES FAILURE TO RAISE A PROPER OBJECTION AT TRIAL A PLAIN ERROR IS OFTEN SAID TO BE SO OBVIOUS AND SUBSTANTIAL THAT FAILURE TO CORRECT IT WOULD INFRINGE A PARTIES DUE PROCESS RIGHTS AND DAMAGE THE INTEGRITY OF THE JUDICIAL PROCESS. MERRIAM-WEBSTER DICTIONARY OF LAW 2016 DEFINES - AN OBVIOUS AND PREJUDICIAL ERROR THAT AFFECTS THE SUBSTANTIAL RIGHTS OF THE PARTIES AND THE RESULT OR PROBABLE RESULTS ON APPEAL EVEN IN THE ABSENCE OF OBJECTION TO THE ERROR AT TRIAL.

FACTS AND CONCLUSION OF LAW: INDICTMENT 08-08-4437-CR ENHANCEMENT PENAL CODE USED WAS A CRIME I WAS NEVER CHARGED WITH OR CONVICTED OF.

SUBSTANTIAL RIGHT VIOLATION - LIBERTY

United States Courts  
Southern District of Texas  
FILED

NOV-04 2024

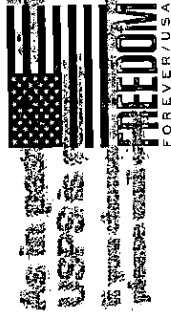
Nathan Ochsner, Clerk of Court

PLAINT - FUNDAMENTAL ERROR  
LEGAL CITATIONS

COTTON	V	STATE	626	SW 2d	531	11-10-1981
McFARLAND	V	STATE	605	SW 2d	904	7-2-1980
LEE	V	STATE	589	SW 2d	710	11-21-1979
HARRIS	V	STATE	587	SW 2d	429	10-10-1979
HENDERSON	V	STATE	600	SW 2d	788	5-3-1979
PEOPLES	V	STATE	566	SW 2d	640	6-7-1977
BAKER	V	STATE	547	SW 2d	627	3-9-1977
DANIEL	V	STATE	547	SW 2d	597	2-23-1977
STANDLEY	V	STATE	517	SW 2d	538	1-15-1975
AUZENNE	V	STATE	547	SW 2d	596	2-23-1977
EX PARTE CANNON			546	SW 2d	266	5-2-1976
REYNOLDS	V	STATE	547	SW 2d	590	11-3-1976
HERRIN	V	STATE	547	SW 2d	598	2-23-1977
MOORE	V	STATE	545	SW 2d	140	10-13-1976
SIANE	V	STATE	513	SW 2d	579	4-3-1974
JOHNSON	V	STATE	547	SW 2d	599	2-23-1977
EX PARTE ROBERTS			522	SW 2d	461	5-7-1975
CARTER	V	STATE	639	SW 2d	13	6-22-1982
LUNSFORD	V	STATE	1 TEX CT APP	448		1876
HUGGINS	V	STATE	544	SW 2d	147	12-8-1976
REJEEK	V	STATE	545	SW 2d	164	1-5-1977
LANDRY	V	STATE	583	SW 2d	620	7-18-1979
ARDEN	V	STATE	572	SW 2d	546	10-23-1978
EX PARTE McCARDY			571	SW 2d	31	9-20-1978
DELAROSA	V	STATE	677	SW 3d	668	10-21-2023
EX PARTE ALVEAR			524	SW 3d	261	3-10-2006
WOODARD	V	STATE	300	SW 3d	404	10-22-2009
MESSINGER	V	STATE	638	SW 2d	883	9-22-1989
DELEON	V	STATE	583	SW 3d	693	12-28-2018
CARTER	V	STATE	804	SW 2d	326	2-14-1991
TREBU	V	STATE	313	SW 3d	870	5-20-2010
DOUGLAS	V	STATE	915	SW 2d	166	1-18-1996
THORNTON	V	STATE	601	SW 2d	340	11-21-1970
HELL	V	STATE	640	SW 2d	899	5-22-1982
INSALL	V	STATE	14 TEX CT APP	145		5-5-1883

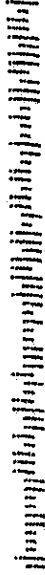
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United States Courts  
Southern District of Texas  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
P.O. BOX 61010  
HOUSTON TX 77200



77200-101010

LEGAL MAIL